

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,
an Indiana corporation, and ACE
AMERICAN INSURANCE COMPANY,
a Pennsylvania corporation,

Defendants.

Court File No. 16-cv-1054
(WMW/DTS)

**DECLARATION OF
TERRENCE J. FLEMING**

I, Terrence J. Fleming, declare as follows:

1. I am an attorney at Fredrikson & Byron, P.A. and am one of the attorneys representing Defendants Federal Insurance Company and ACE American Insurance Company (collectively, “Federal”) in this case.

2. Attached as **Exhibit 1** is a true and correct copy of a screenshot from Plaintiff FICO’s website, which is available at www.fico.com/en/product-support/support-level-software-release.

3. Attached as **Exhibit 2** is a true and correct copy of FICO’s customer service records, produced as FICO0000197 in this litigation.

4. Attached as **Exhibit 3** is a true and correct copy of an email that Peter Davis sent to Patrick Sullivan in October 2012 with the subject line “Blaze Advisor 7.1 (finally here!),” produced as FED004077 in this litigation.

5. Attached as **Exhibit 4** is a true and correct copy of an email that Tony Zhang sent to Henry Mirolyuz in December 2010, which was used as Deposition Exhibit 8 in this litigation and was produced as FED009046.

6. Attached as **Exhibit 5** is a true and correct copy of excerpts from the Rule 30(b)(6) deposition of Ramesh Pandey taken on November 26, 2019.

7. Attached as **Exhibit 6** is a true and correct copy of an email that Henry Mirolyuz sent to Richard Johnson in May 2009, which was used as Deposition Exhibit 3 in this litigation and was produced as FED008753.

8. Attached as **Exhibit 7** is a true and correct copy of excerpts from the deposition of Henry Mirolyuz taken on January 11, 2019.

9. Attached as **Exhibit 8** is a true and correct copy of a meeting invitation that Michael Sawyer sent to Ian Brodie, Richard Hill, and Russell Schreiber in November 2008 with the subject line “Chubb License Discussion,” which attached “the three [Software License and Services Agreements] contracts and the latest Chubb Annual report.” **Exhibit 8** was used as Deposition Exhibit 73 in this litigation and produced as FICO0002275-FICO0002447.

10. Attached as **Exhibit 9** is a true and correct copy of a Statement of Work contract between FICO and Federal, effective as of July 26, 2012, which was produced as FICO0057439-57443 in this litigation.

11. Attached as **Exhibit 10** is a true and correct copy of an excerpt from the Chubb Corp 10-K form, dated February 26, 2015, which was produced as FED000059 in this litigation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: May 27, 2020

s/ Terrence J. Fleming

Terrence J. Fleming

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